

**REMARKS****Summary of the Office Action**

In the Office Action dated October 26, 2004, claims 6 and 10-12 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,244,894 to Miyashita et al. (hereinafter “Miyashita”). Claim 7 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Miyashita in view of U.S. Patent No. 5,864,766 to Chiang et al. (hereinafter “Chiang”).

**Summary of the Response to the Office Action**

Applicants amend claim 6 as provided herein, and cancel claims 10-12 without prejudice or disclaimer. Accordingly, claims 6 and 7 are now pending in this application.

**The Rejections Under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a)**

Claims 6 and 10-12 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Miyashita. Claim 7 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Miyashita in view of Chiang. Applicants amend claim 6 as provided herein, and cancel claims 10-12 without prejudice or disclaimer. Specifically, Applicants amend independent claim 6 to incorporate the features from claims 10-12, which have been canceled without prejudice or disclaimer.

Applicants respectfully submit that the amended independent claim 6 recites a combination of features that are neither suggested nor taught by Miyashita. For example, independent claim 6 now recites a cellular phone combination that includes the following features: “an elastic member is provided on the recess to force the memory towards the phone

body.” With regard to the features recited in the canceled claim 12, the Office Action asserts at page 3 that “Miyashita teaches elastic member is provided on the recess for force the memory towards the phone body (see col. 5 lines 1-31).” Applicants respectfully submit that Miyashita does not teach or suggest an elastic member, much less an elastic member provided on the recess to force the memory towards the phone body. Applicants respectfully submit that Miyashita merely discloses at column 5, lines 24-26, “an adhesive member, at the bottom, which can fix the IC card 30 by adhesive power.” Applicants respectfully submit that, in contrast to Miyashita, the elastic member recited in amended independent claim 6 can tightly force the memory card towards the phone body for an electrical connection between the contact terminals of the memory card and the contact terminals of the phone body.

In view of at least the foregoing reasons, Applicants respectfully submit that Miyashita does not teach or suggest the cellular phone combination of independent claim 6, as amended. As pointed out in MPEP § 2131, “[to] anticipate a claim, the reference must teach every element of the claim.” Thus, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art of reference.

Verdegaal Bros. V. Union Oil Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987).” Thus, Applicants respectfully submit that independent claim 6 is in condition for allowance as not being anticipated by Miyashita. Moreover, the rejection of claims 10-12 has been rendered moot by the cancellation of these claims as set forth above. Moreover, with regard to the rejection under 35 U.S.C. § 103(a), Applicants respectfully submit that dependent claim 7 should be allowed for at least the same reasons as set forth above with regard to independent claim 6, and for the additional features that it recites. Applicants further submit in this regard that Chiang fails to cure the deficiencies of Miyashita with regard to claim 7. Accordingly, Applicants

respectfully request the withdrawal of the rejections of claims 6 and 10-12 under 35 U.S.C. § 102(b) and the rejection of claim 7 under 35 U.S.C. § 103(a).

**Change of Attorney Docket Number**

It is respectfully submitted that a Request to Change Attorney Docket Number was filed in this application on June 28, 2004. However, the indication on the Final Office Action does not reflect this change. **The Examiner is respectfully requested to ensure this matter is attended to before the next Office Communication is mailed.**

**Conclusion**

In view of the foregoing, Applicants respectfully request entry of the amendments to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

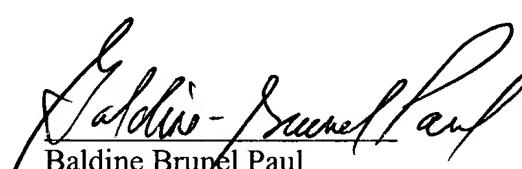
If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: February 28, 2005

By:

  
Baldine Brunel Paul  
Registration No. 54,369

Customer No. 09629

**MORGAN, LEWIS & BOCKIUS LLP**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Telephone: (202) 739-3000  
Facsimile: (202) 739-3001